

REMARKS

I. STATUS OF THE CLAIMS

New claims 10-13 are added. Support for the new claims is found, for example, in FIGS. 1B and 2 of the present application. See also page 18, lines 18-19, of the specification. In view of the above, it is respectfully submitted that claims 1-13 are currently pending.

II. REJECTION OF CLAIMS 1, 2 AND 5-9 UNDER 35 USC 103 OVER THE ADMITTED PRIOR ART IN VIEW OF KASHIMA

In the Amendment filed March 13, 2003, generally, it was argued that the claimed invention relates to the configuration of a "non-blocking" optical switch, and that the cited art does not disclose or suggest such a configuration of a "non-blocking" optical switch.

However, on page 8 of the outstanding Office Action, the Examiner correctly noted that the claims do not specifically recite a "non-blocking" optical switch.

Therefore, the independent claims are amended herein to recite a "non-blocking" optical switch. Support for the amendments is found, for example, on page 18, lines 18-19, of the specification.

In view of the above, it is respectfully submitted that the rejection is overcome.

III. REJECTION OF CLAIMS 3 AND 4 UNDER 35 USC 103 OVER THE ADMITTED PRIOR ART IN VIEW OF KASHIMA AND SHIMOMURA

The comments in Section II, above, also apply here.

In view of the above, it is respectfully submitted that the rejection is overcome.

IV. IDS

An IDS was filed on April 17, 2001. However, the Examiner has not yet acknowledged the IDS. A copy of the IDS, and the PTO mailroom stamped filing receipt, is enclosed herewith.

In view of the above, it is respectfully requested that the Examiner acknowledge the IDS.

V. CONCLUSION

In view of the above, it is respectfully submitted that the application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

If any further fees are required in connection with the filing of this response, please charge such fees to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date:

July 23, 2003

By:

Paul I. Kravetz

Paul I. Kravetz
Registration No. 35,230

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501

Please return this card, indicating receipt date and Serial No., if applicable, of the following Application w/13 sheets of formal drawings, Declaration, Assignment, Priority Document(s), Information Disclosure Statement w/Form PTO-1449 & refs. and check for \$750.00

Applicant(s): Tetsuya NISHI et al.

Title: OPTICAL SWITCH EXPANDING METHOD, OPTICAL SWITCH, AND OPTICAL CROSSCONNECTING APPARATUS

Serial No.:

Filing Date: April 17, 2001

Docket No.: 1460.1020/HJS

Due Date: April 30, 2001



(45)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Patent Application of:

Tetsuya NISHI et al.

Group Art Unit:

Application No.:

Examiner:

Filed: April 17, 2001

For: OPTICAL SWITCH EXPANDING METHOD, OPTICAL SWITCH, AND OPTICAL CROSSCONNECTING APPARATUS

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In accordance with the duty of disclosure provisions of 37 CFR §1.56, there is hereby provided certain information which the Examiner may consider material to the examination of the subject U.S. patent application. It is requested that the Examiner make this information of record if it is deemed material to the examination of the subject application.

1. Enclosures accompanying this Information Disclosure Statement are:

- 1a. ☒ Form PTO-1449.
- 1b. ☒ Copies of IDS citations.
- 1c. ☐ An English language copy of a Search Report or Official Action from a counterpart foreign application or the PCT International Search Report.
- 1d. ☐ English language translation (complete or relevant portion(s)) attached to each non-English language publication.
- 1e. ☐ Explanations of Relevancy of References (ATTACHMENT 1(e), hereto) for providing a concise explanation of each non-English publication.
- 1f. ☐ List of Copending Applications (ATTACHMENT 1(f), hereto).

2. ☐ In accordance with 37 CFR §1.98, a concise explanation of what is presently understood to be the relevance of each non-English language publication is:

(Check appropriate Items 2a, 2b, 2c and/or 2d)


- 2a. ☐ satisfied because all non-English language publications were cited on the enclosed English language copy of the PCT International Search Report or the search report from a counterpart foreign application indicating the degree of relevance found by the foreign office. (See U.S. Patent & Trademark Office's authorization in the Federal Register, Vol. 57, No. 12, January 17, 1992, at page 2031 (Reply to Comment 68).)
- 2b. ☐ set forth in the application.

- 2c. ☐ satisfied because an English language translation (complete or relevant portion(s)) is attached to each non-English language publication.
- 2d. ☐ enclosed as Attachment 1(e), hereto.
3. No admission is made that the information cited in this Statement is, or is considered to be, material to patentability nor a representation that a search has been made (other than search report(s) from a counterpart foreign application or a PCT International Search Report, if submitted herewith). 37 CFR §§ 1.97(g) and (h).

Respectfully submitted,

STAAS & HALSEY LLP

Dated: April 17, 2001
700 Eleventh Street, N.W., Suite 500
Washington, D.C. 20001
Telephone: (202) 434-1500
Facsimile: (202) 434-1501

By: 
H. J. Staas
Registration No. 22,010

FORM PTO-1449

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

ATTORNEY DOCKET NO.

1460.1020

APPLICATION NO.

FIRST NAMED INVENTOR

Tetsuya NISHI et al.

FILING DATE

April 17, 2001

GROUP ART UNIT

LIST OF REFERENCES CITED BY APPLICANT

(Use several sheets if necessary)

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NO.	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						

FOREIGN PATENT DOCUMENTS

		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION YES NO	
	AG	1 014 625	06/2000	European Patent Office			X	
	AH							
	AI							
	AJ							
	AK							
	AL							

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

	AM	PATENT ABSTRACTS OF JAPAN of JP 5-130038 dated May 25, 1993.
	AN	
	AO	

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JUL 29 2003
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EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.